

REMARKS

This communication is in response to the Office Action of May 6, 2005.

As an initial matter, Applicant disagrees with the list of pending claims. The Office Action of May 6, 2005 states that claims 26-47 are pending. However, Applicant's file indicates that claims 48-80 were added in Preliminary Amendment C, which was filed on June 28, 2002 via facsimile.¹ A copy of Preliminary Amendment C is attached to this amendment along with a copy of the return receipt confirmation facsimile demonstrating receipt of Preliminary Amendment C by the USPTO on June 28, 2002.

Applicant's understanding is that Preliminary Amendment C may have been lost within the USPTO such that the Examiner did not receive a copy of Preliminary Amendment C. In particular, the PAIR system does not have an entry corresponding to the filing date of Amendment C. However, as previously noted, Applicant received a return receipt facsimile demonstrating receipt of Amendment C by the USPTO on June 28, 2002.

Applicant submitted claims 48-80 in a timely manner for examination by the USPTO almost three years before the present Office Action was mailed. Applicant therefore respectfully requests formal entry and consideration of claims 48-80 submitted in Preliminary Amendment C. Claims 48-80 have a number of limitations in common with the previously searched claims such that it is believed likely that an additional search will not be required. However, should the Examiner believe that a new search is required for claims 48-80, Applicant respectfully requests that the next Office Action not be a Final Office action.

In the Office Action of May 6, 2005 the Examiner stated that claim 45 was in conflict with claim 26 of copending U.S. Pat. App. Ser. No. 10/404,776. The Examiner also issued a provisional obviousness-type double-patenting rejection of claims 26, 30, 35, and 46-47 over U.S. Pat. App. Ser. No. 10/404,776. The remaining claims, claims 27-29, 31-34, and 36-44 were objected to as being dependent upon a rejected base claim but allowable if rewritten in independent form. Applicant respectfully traverses the rejections.

¹ Applicant has listed claims 48-80 as "previously added" in the listing of claims to reflect claims added in Preliminary Amendment C.

In regards to the rejection of claim 45, Applicant respectfully submits that claim 45 is not in conflict with claim 26 of copending U.S. Pat. App. Ser. No. 10/404,776. In order for the claims to be in conflict they must have the same limitations. However, claim 45, which is dependent from claim 36, has several limitations different from those of claim 26 of 10/404,776. The table below summarizes some of the differences between claim 45 of the present application and claim 26 of U.S. Pat. App. Ser. No. 10/404,776 with claim differences underlined in bold for emphasis.²

Present Application (09/960,004)	Application No. 10/404,776
<p>36. (Original) A method for <u>graphics processing</u>, comprising:</p> <p>(a) transforming graphics data <u>from a first space to a second space</u>;</p> <p>(b) lighting the graphics data; and</p> <p>(c) <u>performing</u> a masking operation <u>on the graphics data</u>;</p> <p>(d) wherein the graphics data is transformed and lighted, and the masking operation is performed on a single semiconductor platform.</p> <p>45. (Original) The method as recited in claim 36, and further comprising rendering the graphics data, wherein the graphics data is rendered on the single semiconductor platform.</p>	<p>26. A method for masking during hardware graphics processing, comprising:</p> <p>transforming graphics data;</p> <p>lighting the graphics data;</p> <p>wherein the transforming, the lighting, the rendering, and a masking operation are performed on a single semiconductor platform.</p>

² Applicant notes that in the prosecution of U.S. Pat. App. Ser. No. 10/404,776 that the Examiner rejected claim 26 over claim 45 of the present application. The table presented here is similar to the table presented in an amendment filed on July 11, 2005 for U.S. Pat. App. Ser. No. 10/404,776 by the law firm of Zilka-Kotab, PC.

In response to the provisional obviousness-type double patent rejection of claims 26, 30, 35, and 46-47, Applicant is attaching a terminal disclaimer for the present application in regards to copending U.S. Pat. App. Ser. No. 10/404,776, which is commonly owned by the Nvidia Corporation, the Assignee of the present application. U.S. Pat. App. Ser. No. 10/404,776 is a continuation of the present application, 09/960,004 such that both applications are commonly assigned to the Nvidia Corporation by virtue of an Assignment recorded for a common parent patent 6,198,488 on December 6, 1999 having Reel/Frame Nos. 010451/0476. In light of the terminal disclaimer, Applicant respectfully submits that claims 26, 30, 35, and 46-47 are in condition for allowance. In view of the foregoing amendments and remarks, it is respectfully submitted that the application is now in condition for allowance. The Examiner is invited to contact the undersigned if there are any residual issues that can be resolved through a telephone call.

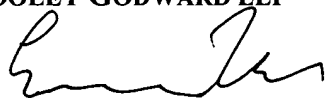
The Commissioner is hereby authorized to charge any appropriate fees to Deposit Account No. 03-3117.

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